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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/510,077 08/02/95 UGUSU

25M1/0327

LOEB AND LOEB  
10100 SANTA MONICA BOULEVARD  
22ND FLOOR  
LOS ANGELES, CA 90067-4164

EXAMINER	
ART UNIT	PAPER NUMBER

2516  
DATE MAILED:

03/27/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 12/29/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 3 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4 are pending in the application.

Of the above, claims 1-4 are withdrawn from consideration.

2. ☒ Claims 5-6 have been cancelled.

3. ☒ Claims 1-3 are allowed.

4. ☒ Claims 4 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on                     . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on                     , has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed                     , has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☒ not been received ☐ been filed in parent application, serial no.                     ; filed on                     .

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 4 is rejected under 35 U.S.C. § 102(b) as being anticipated by Okamura et al..

Okamura et al. discloses the invention as claimed. Note Fig. 11 shows the recording medium for recording musical information having other information being recorded such as the tempo information, and measure information (taken to be recited meter information) see column 9, lines 35-65, as set forth by the claim.

***Allowable Subject Matter***

3. Claims 1-3 are allowable over the prior art of record.

4. The following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record alone or in combination does not teach or suggest a recording

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device having a tempo designation means, a meter designation means, a rhythm generation means and start timing generation means in the configuration for recording information, as set forth in claim 1. Further the prior art does not teach reproducing information by a measure number calculation means satisfying the equation, as set forth in claims 2 and 3.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD EDUN whose telephone number is (703) 308-1550.

M. EDUN  
March 22, 1996



Muhammad N. Edun  
Patent Examiner Group 2500